

AMENDED IN ASSEMBLY MARCH 8, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 133

**Introduced by Assembly Member Strom-Martin
(Principal coauthor: Assembly Member Mazzoni)**

January 7, 1999

An act to amend Sections 52122 and 52123 of the Education Code, relating to class size reduction.

LEGISLATIVE COUNSEL'S DIGEST

AB 133, as amended, Strom-Martin. School districts: class size reduction.

Existing law establishes the Class Size Reduction Program to provide funding to school districts to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher. Existing law establishes 2 options under which a school district may apply for class size reduction funding. Under either Option One or Option Two, to qualify for funding under the program, each class in the program is required to be maintained with an annual average class size of not more than 20 pupils for the instructional time which qualifies the class for funding pursuant to the program. Existing law requires a school district, to certify in its application to receive funding under the program that a certificated teacher has been hired by the school district and is providing direct instructional services to each class selected for class size reduction, and that there are not more than 20 pupils for each class.

The bill would, notwithstanding those provisions *and if prior approval is obtained from the exclusive representative of certificated employees or schoolsite council*, allow a school district with an average number of classes per participating grade level of no more than 3 and where the annual average class size is not more than 20 pupils for the instructional time which qualifies the class for funding to determine average class size by calculating the total number of pupils enrolled in all grade levels that will participate in the Class Size Reduction Program divided by the total number of classes. The bill would make related changes in those provisions pertaining to the certification required to be provided in the funding application.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52122 of the Education Code is
2 amended to read:
3 52122. (a) Except as otherwise provided by Section
4 52123, any school district that maintains any kindergarten
5 or any of grades 1 to 3, inclusive, may apply to the
6 Superintendent of Public Instruction for an
7 apportionment to implement a class size reduction
8 program in that school district in kindergarten and any of
9 the grades designated in this chapter.
10 (b) An application submitted pursuant to this chapter
11 shall identify both of the following:
12 (1) Each class that will participate in the Class Size
13 Reduction Program.
14 (2) For each class that will participate in the Class Size
15 Reduction Program, whether that class will operate
16 under Option One or Option Two:
17 (A) (i) Option One: A school district shall provide a
18 reduced class size for all pupils in each classroom for the
19 full regular schoolday in each grade level for which
20 funding is claimed. For the purposes of this chapter, “full
21 regular schoolday” means a substantial majority of the
22 instructional minutes per day, but shall permit limited

1 periods of time during which pupils are brought together
2 for a particular phase of education in groups that are
3 larger than 20 pupils per certificated teacher. It is the
4 intent of the Legislature that those limited periods of time
5 be kept to a minimum and that instruction in reading and
6 mathematics not be delivered during those limited
7 periods of time. For the purposes of this subparagraph,
8 “class” shall be defined in the same manner as provided
9 in the regulations adopted by the Superintendent of
10 Public Instruction prior to July 1, 1996, pursuant to
11 Sections 41376 and 41378 (subdivision (a) of Section 15103
12 of Title 5 of the California Code of Regulations).

13 (ii) The purpose of the Class Size Reduction Program
14 is to ensure that children in public school in kindergarten
15 and grades 1 to 3, inclusive, receive instruction in
16 classrooms where there are not more than 20 pupils.
17 Except as provided in subdivision (h), to qualify for
18 funding pursuant to this chapter, each class in the Class
19 Size Reduction Program shall be maintained with an
20 annual average class size of not more than 20 pupils for
21 the instructional time which qualifies the class for funding
22 pursuant to this chapter. Nothing in this chapter shall be
23 construed to prohibit the class size from exceeding 20
24 pupils on any particular day, provided the average class
25 size for the school year does not exceed 20.

26 (B) (i) Option Two: A school district shall provide a
27 reduced class size for all pupils in each classroom for at
28 least one-half of the instructional minutes offered per day
29 in each grade level for which funding is claimed. School
30 districts selecting this option shall primarily devote those
31 instructional minutes to the subject areas of reading and
32 mathematics. For the purposes of this subparagraph,
33 “class” shall be defined in the same manner as provided
34 in the regulations adopted by the Superintendent of
35 Public Instruction prior to July 1, 1996, pursuant to
36 Sections 41376 and 41378 (subdivision (a) of Section 15103
37 of Title 5 of the California Code of Regulations).

38 (ii) The purpose of the Class Size Reduction Program
39 is to ensure that children in public school in kindergarten
40 and grades 1 to 3, inclusive, receive instruction in

1 classrooms where there are not more than 20 students.
2 Except as provided in subdivision (h), to qualify for
3 funding pursuant to this chapter, each class in the Class
4 Size Reduction Program shall be maintained with an
5 annual average class size of not more than 20 pupils for
6 the instructional time which qualifies the class for funding
7 pursuant to this chapter. Nothing in this chapter shall be
8 construed to prohibit the class size from exceeding 20
9 pupils on any particular day, provided the average class
10 size for the school year does not exceed 20.

11 (c) A school district that intends to implement a class
12 size reduction program for the 1996–97 school year shall
13 submit an application for funds pursuant to this chapter
14 to the Superintendent of Public Instruction not later than
15 November 1, 1996. To receive the total amount of funding
16 in the 1996–97 school year for which the school district is
17 eligible pursuant to Section 52126, a school district shall
18 implement the Class Size Reduction Program by
19 February 16, 1997, within the meaning of paragraph (2)
20 of subdivision (b).

21 (d) A school district that intends to implement or
22 continue to implement a class size reduction program for
23 the 1997–98 school year and any subsequent school year
24 shall submit an application for funding pursuant to this
25 chapter to the Superintendent of Public Instruction not
26 later than 90 days after the annual Budget Act is
27 chaptered, unless otherwise specified in regulations
28 adopted by the State Board of Education.

29 (e) For the 1997–98 school year, a school district that
30 is either implementing or expanding a class size
31 reduction program pursuant to this chapter may receive
32 funding pursuant to this chapter even if the new classes
33 for which funding is sought are not implemented at the
34 beginning of the 1997–98 school year, provided that, for
35 each new class in the Class Size Reduction Program, all
36 of the following criteria are met:

37 (1) The teacher for each new class is hired and placed
38 on the school district's payroll by November 1, 1997.

1 (2) Each teacher for a new class has begun to receive
2 the training required by this chapter on or before
3 February 16, 1998.

4 (3) All other requirements of this chapter are satisfied
5 by February 16, 1998, and continue to be satisfied for the
6 remainder of the 1997–98 school year.

7 (f) For the 1997–98 school year, the number of new
8 classes in the Class Size Reduction Program is the number
9 of classes satisfying the requirements of this chapter
10 minus the number of classes funded in the Class Size
11 Reduction Program pursuant to this chapter in the
12 1996–97 school year.

13 (g) Any school district that chooses to reduce class size
14 through the use of an early late instructional program is
15 ineligible to also use Section 46205, relating to the
16 computation of instructional time for purposes of the
17 Incentive for Longer Instructional Day and Year, in any
18 grade level for which class size reduction funding is
19 received pursuant to this chapter; provided, however,
20 that any school district that operated under Section 46205
21 prior to July 1, 1996, may receive class size reduction
22 funding pursuant to Option One in any grade level for
23 which class size reduction funding would otherwise be
24 received pursuant to Option One.

25 (h) Notwithstanding any other provision of law, a
26 school district may apply for funding under this section if
27 the average number of classes per participating grade
28 level is no greater than three and the average class size is
29 no more than 20 pupils in each of the classes *participating*
30 *in class size reduction* in that district. For purposes of this
31 subdivision, average class size may be determined by
32 calculating the total number of pupils enrolled in all
33 classes at all grade levels that will participate in the Class
34 Size Reduction Program divided by the total number of
35 classes. The ratio of pupils to teacher in any class included
36 in the average shall not exceed the 20 to 1 standard by
37 more than ~~10 percent~~ *two pupils. To apply for funding*
38 *under this subdivision, a school district shall obtain prior*
39 *approval from the exclusive representative for*
40 *certificated employees or, if there is no exclusive*

1 *bargaining representative for certificated employees, the*
2 *schools site council.*

3 SEC. 2. Section 52123 of the Education Code is
4 amended to read:

5 52123. A school district's application for funding to
6 implement a program pursuant to this chapter shall
7 include the district's certification of each of the following
8 items as a condition to receiving any apportionment
9 under Section 52126:

10 (a) Certification of the number of classes in each
11 eligible grade level selected for a class size reduction
12 apportionment pursuant to this chapter.

13 (b) Certification of pupil enrollment, as of October of
14 the previous calendar year, in each class selected for class
15 size reduction pursuant to subdivision (a). Classes
16 comprised of special education pupils enrolled in special
17 day classes on a full-time basis shall not be included in this
18 program. School districts may not claim funding pursuant
19 to this chapter for any pupil who is enrolled in
20 independent study pursuant to Article 5.5 (commencing
21 with Section 51745) of Chapter 5 of Part 28 for the full
22 regular schoolday nor may school districts claim funding
23 pursuant to this chapter for any pupil for any portion of
24 the full regular day that the pupil is enrolled in
25 independent study pursuant to that article. Charter
26 schools may not claim funding pursuant to this chapter for
27 any pupil who is enrolled in a program of home study for
28 the full regular schoolday nor may charter schools claim
29 funding for any pupil for any portion of the full regular
30 schoolday that the pupil is enrolled in a program of home
31 study.

32 (c) (1) Except as provided in paragraph (2),
33 certification that a certificated teacher has been hired by
34 the school district and is providing direct instructional
35 services to each class selected for class size reduction
36 pursuant to this chapter and that there are not more than
37 20 pupils per each class.

38 ~~(2) In each school district with an average number of~~
39 ~~classes per grade of no more than three and where the~~
40 ~~average class size is no more than 20 pupils, certification~~

~~that a certificated teacher has been hired by the school district and is providing direct instructional services to each class selected for class size reduction pursuant to this chapter, granted by the exclusive representative for certificated employees or by the schoolsite council if there is no exclusive bargaining representative for certificated employees, and that the ratio of pupils to teacher does not exceed the 20 to 1 standard ratio by more than 10 percent in any of the classes included in the average.~~

(2) In a school district that applies for funding pursuant to subdivision (h) of Section 52122, certification of all of the following:

(A) A certificated teacher has been hired by the school district and is providing direct instructional services to each class selected for class size reduction pursuant to this chapter.

(B) The ratio of pupils to teacher does not exceed the 20 to 1 standard ratio by more than two pupils.

(C) The exclusive representative for certificated employees or, if there is no exclusive bargaining representative for certificated employees, the schoolsite council has approved of the school district's application for funding under subdivision (h) of Section 52122.

(3) For the purposes of this subdivision, "class" shall be defined in the same manner as provided in the regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996, pursuant to Sections 41376 and 41378 (subdivision (a) of Section 15103 of Title 5 of the California Code of Regulations).

(d) Certification that the school district has a staff development program pursuant to Section 52127 and that the program has been approved by the governing board of the school district.

(e) Certification that the school district will collect and maintain any data required by the Superintendent of Public Instruction that will aid in the evaluation of the Class Size Reduction Program. The data shall include, but not be limited to, individual test scores or other records of pupil achievement. Any data collected shall be

1 protected in a manner that will not permit the personal
2 identification of any pupil or parent.
3 (f) Commencing with the 1998–99 school year and
4 each school year thereafter, certification that each class
5 reduced pursuant to this chapter is housed in either a
6 separate, self-contained classroom or that the space of
7 each class for each grade level at that schoolsite provides
8 a square footage per pupil enrolled in each class that is not
9 less than the average square footage per pupil enrolled in
10 those grade levels at that schoolsite in the 1995–96 school
11 year.

